

BEFORE THE THREE MEMBER DUE PROCESS PANEL  
PURSUANT TO RSMo. Sec. **162.961**

**Petitioner,**

)

PARK HILL SCHOOL DISTRICT

)

Respondent.

)

**ORDER**

The three member hearing panel makes the following findings of fact and error, stated herein:

1. The parent filed a due process on 11th day of April, 2001.
2. A hearing was held on June 4, 2001, at which time the school district presented its evidence. The parent failed to set out issues prior to the hearing even though he was required to do so by law.
3. The parent was required to respond in writing the specific requests to be determined by the hearing panel on or before June 4, 2001 and to Defendant's Motion to Dismiss.
4. The parent called the Chief Hearing Officer a few days prior to the hearing and requested additional time to set out his issues, which was granted.
5. The parent was specifically ordered to reply in writing to the transcript of the proceeding held on June 4, 2001 by five days after mailing by the Hearing Chair. TR.3.
6. The Chief Hearing Officer mailed by certified mail the transcripts on June 25, 2001, which were returned to the Chief Hearing Officer on July 19, 2001.
  - A. The transcript was resent First Class Mail on July 23, 2001, even though not required by the order.
  - B. The Parent has not responded as required by Order and Motion or called to request additional time.
7. The primary issue in the case is a change of placement to a school, which can best handle behavioral problems.
8. is going to be an grader, who has significant behavioral disabilities, which require placement in special education and development of an IEP.

9. The hearing panel has jurisdiction in which to enter a decision based on the facts that have been plead and presented.
10. The placement, which was proposed by the school, provides FAPE and is in the least restrictive environment based on the record as a whole.
11. The provisions of the district's motion to dismiss is granted to the extent they are consistent with the findings.

**WHEREFORE**, as ordered, adjudged and decreed:

1. The due process proceeding is concluded and the placement at Hawley Hall by the district is hereby found to be in compliance with FAPE and the least restrictive environment for the provision of appropriate educational services under the interim IEP of

Dated: 8 – 2 - 01

C. E. "Sketch" Rendlen, III  
Chief Hearing Officer

Mr. Rodney Karns

Mr. Jerry Wright

cc: Mr.  
Ms. Linda Salfrank  
Ms. Kirsten Roth  
Pam Williams

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Dated:8-2-01

C. E. "Sketch" Rendlen. III  
Chief Hearing Officer

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